

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

TAPESTRY, INC.,

and

CAPRI HOLDINGS LIMITED,

Defendants.

Civil Action No. 1:24-cv-03109-JLR

REDACTED VERSION

**DECLARATION OF ALFRED C. PFEIFFER IN SUPPORT OF DEFENDANTS’
OPPOSITION TO THE FEDERAL TRADE COMMISSION’S MOTION FOR
PRELIMINARY INJUNCTION**

I, Alfred C. Pfeiffer, declare that the following is true and correct under penalty of perjury.

1. I am a member in good standing of the bar of the State of California. I am admitted *pro hac vice* to practice before this Court. I am an attorney with the law firm Latham & Watkins LLP, counsel for Tapestry, Inc. (“Tapestry”), in the above-captioned action in the U.S. District Court for the Southern District of New York, *Federal Trade Commission v. Tapestry, Inc., et al.*, No. 1:24-cv-03109-JLR (S.D.N.Y.). I make this declaration in support of the Opposition to the Federal Trade Commission’s Motion for Preliminary Injunction (the “Opposition”). I have personal knowledge of the facts set forth in this declaration.

2. Attached to this declaration and identified in the index below as Exhibits 20-22, 49-51 are true and correct copies of documents produced by and designated confidential by Defendant Tapestry, Inc. (“Tapestry”).¹

3. Attached to this declaration and identified in the index below as Exhibits 18-19, 24, 29-30 are true and correct copies of documents produced by and designated confidential by Defendant Capri Holdings Limited (“Capri”).

4. Attached to this declaration and identified in the index below as Exhibit 1 is a true and correct copy of the Expert Report of Karen Giberson (August 7, 2024).

5. Attached to this declaration and identified in the index below as Exhibit 2 is a true and correct copy of the Appendix C to the Expert Report of Karen Giberson (August 7, 2024).

6. Attached to this declaration and identified in the index below as Exhibit 3 is a true and correct copy of the Initial Expert Report of Loren Smith (July 26, 2024).

7. Attached to this declaration and identified in the index below as Exhibits 4 and 5 are true and correct copies of documents containing confidential information from [REDACTED].

8. Attached to this declaration and identified in the index below as Exhibit 6 is a true and correct copy of the transcript of the deposition of [REDACTED] (July 16, 2024) designated confidential by [REDACTED]

9. Attached to this declaration and identified in the index below as Exhibit 7 is a true and correct copy of the transcript of the deposition of [REDACTED] (July 17, 2024) designated confidential by [REDACTED]

¹ Exhibits 1-24, 26-35, 38-47, 49-62 were designated as Confidential Materials under the Stipulated Protective Order, ECF No. 70, and as such will not be filed publicly. Pursuant to Rule 4(B)(iii)(c) of this Court’s Individual Rules of Practice in Civil Cases, Defendants are concurrently filing a letter-motion to the Court concerning those and other documents proposed to be sealed.

10. Attached to this declaration and identified in the index below as Exhibit 8 is a true and correct copy of the transcript of the deposition of [REDACTED] (July 17, 2024) designated confidential by [REDACTED].

11. Attached to this declaration and identified in the index below as Exhibit 9 is a true and correct copy of a document produced by and designated confidential by [REDACTED].

12. Attached to this declaration and identified in the index below as Exhibit 10 is a true and correct copy of the transcript of the deposition of [REDACTED] (July 15, 2024) designated confidential by [REDACTED].

13. Attached to this declaration and identified in the index below as Exhibit 11 is a true and correct copy of the transcript of the deposition of [REDACTED] (July 16, 2024) designated confidential by [REDACTED].

14. Attached to this declaration and identified in the index below as Exhibit 12 is a true and correct copy of the transcript of the deposition of [REDACTED] (July 23, 2024) designated confidential by [REDACTED].

15. Attached to this declaration and identified in the index below as Exhibit 13 is a true and correct copy of the transcript of the deposition of [REDACTED] (July 26, 2024) designated confidential by [REDACTED].

16. Attached to this declaration and identified in the index below as Exhibits 14 and 53 are true and correct copies of documents produced by and designated confidential by [REDACTED] [REDACTED].

17. Attached to this declaration and identified in the index below as Exhibit 15 is a true and correct copy of an excerpt of the transcript of the deposition of Andrea Bozeman (July 2, 2024) designated confidential by Capri.

18. Attached to this declaration and identified in the index below as Exhibit 16 is a true and correct copy of the transcript of the deposition of [REDACTED] (July 19, 2024) designated confidential by [REDACTED].

19. Attached to this declaration and identified in the index below as Exhibit 17 is a true and correct copy of the Expert Report of Jeff Gennette (August 7, 2024).

20. Attached to this declaration and identified in the index below as Exhibit 23 is a true and correct copy of the Expert Report of Fiona Scott Morton (August 7, 2024).

21. Attached to this declaration and identified in the index below as Exhibit 25 is a true and correct copy of a page from the website vogue.com titled *These 20 Contemporary Brands Are Defining the new Era of It Bags* and located at <https://www.vogue.com/article/emerging-handbag-brands> (Last visited Aug. 20, 2024).

22. Attached to this declaration and identified in the index below as Exhibit 26 is a true and correct copy of a document produced by and designated confidential by [REDACTED].

23. Attached to this declaration and identified in the index below as Exhibit 27 is a true and correct copy of the transcript of the deposition of [REDACTED] (July 29, 2024) designated confidential by [REDACTED].

24. Attached to this declaration and identified in the index below as Exhibit 28 is a true and correct copy of an excerpt of the transcript of the deposition of Matt Bernson (June 27, 2024) designated confidential by Tapestry.

25. Attached to this declaration and identified in the index below as Exhibit 31 is a true and correct copy of an excerpt of the transcript of the deposition of Philippa Newman Chapuis (July 18, 2024) designated confidential by Capri.

26. Attached to this declaration and identified in the index below as Exhibit 32 is a true and correct copy of an excerpt of the transcript of the deposition of Cedric Wilmotte (July 10, 2024) designated confidential by Capri.

27. Attached to this declaration and identified in the index below as Exhibit 33 is a true and correct copy of an excerpt of the transcript of the deposition of Mary Lisa Idol (July 2, 2024) designated confidential by Capri.

28. Attached to this declaration and identified in the index below as Exhibit 34 is a true and correct copy of an excerpt of the transcript of the deposition of Jaryn Bloom (July 25, 2024) designated confidential by Capri.

29. Attached to this declaration and identified in the index below as Exhibit 35 is a true and correct copy of an excerpt of the transcript of the deposition of Joanne Crevoiserat (July 2, 2024) designated confidential by Tapestry.

30. Attached to this declaration and identified in the index below as Exhibit 36 is a true and correct copy of Plaintiff's Memorandum of Points and Authorities in Support of Plaintiff's Motion in Limine, *United States v. H&R Block, Inc.*, No. 11-cv-00948-BAH (D.D.C. Aug. 24, 2011), ECF No. 67.

31. Attached to this declaration and identified in the index below as Exhibit 37 is a true and correct copy of the Remote Oral Argument Transcript from this action.

32. Attached to this declaration and identified in the index below as Ex. 38 is a true and correct copy of the transcript of the deposition of [REDACTED] (July 24, 2024) designated confidential by [REDACTED].

33. Attached to this declaration and identified in the index below as Ex. 39 is a true and correct copy of the transcript of the deposition of [REDACTED] (July 19, 2024) designated confidential by [REDACTED].

34. Attached to this declaration and identified in the index below as Exhibit 40 is a true and correct copy of an excerpt of the transcript of the deposition of Rae Tao (July 12, 2024) designated confidential by Tapestry.

35. Attached to this declaration and identified in the index below as Exhibit 41 is a true and correct copy of an excerpt of the transcript of the deposition of Michael Kors (June 21, 2024) designated confidential by Capri.

36. Attached to this declaration and identified in the index below as Exhibit 42 is a true and correct copy of an excerpt of the transcript of the deposition of Anne Walsh (June 20, 2024) designated confidential by Capri.

37. Attached to this declaration and identified in the index below as Ex. 43 is a true and correct copy of the transcript of the deposition of [REDACTED] (July 17, 2024) designated confidential by [REDACTED].

38. Attached to this declaration and identified in the index below as Exhibits 44 and 52 are true and correct copies of documents produced by and designated confidential by [REDACTED].

39. Attached to this declaration and identified in the index below as Ex. 45 is a true and correct copy of the transcript of the deposition of [REDACTED] (Aug. 5, 2024) designated confidential by [REDACTED].

40. Attached to this declaration and identified in the index below as Ex. 46 is a true and correct copy of the transcript of the deposition of [REDACTED] (July 18, 2024) designated confidential by [REDACTED].

41. Attached to this declaration and identified in the index below as Exhibit 47 is a true and correct copy an excerpt of the transcript of the deposition of Peter Charles (July 18, 2024) designated confidential by Tapestry.

42. Attached to this declaration and identified in the index below as Exhibit 48 is a true and correct copy of the webpage “Inditex Group Annual Report 2023,” Inditex, available at https://static.inditex.com/annual_report_2023/en/Inditex_Group_Annual_Accounts_2023.pdf, accessed Aug. 19, 2024.

43. Attached to this declaration and identified in the index below as Exhibit 54 is a true and correct copy of a document produced by and designated confidential by [REDACTED].

44. Attached to this declaration and identified in the index below as Exhibit 55 is a true and correct copy of a document produced by and designated confidential by [REDACTED].

45. Attached to this declaration and identified in the index below as Ex. 56 is a true and correct copy of the transcript of the deposition of Sloan Tichner (July 22, 2024) designated confidential by Steve Madden, Ltd. The publicly filed version of this exhibit will appear in redacted form, with the redactions designated by Steve Madden, Ltd.

46. Attached to this declaration and identified in the index below as Ex. 57 is a true and correct copy of the declaration of [REDACTED] (July 8, 2024) designated confidential by [REDACTED].

47. Attached to this declaration and identified in the index below as Exhibit 58 is a true and correct copy of an excerpt of the transcript of the deposition of Thomas Edwards (July 23, 2024) designated confidential by Capri.

48. Attached to this declaration and identified in the index below as Exhibit 59 is a true and correct copy of an excerpt of the transcript of the deposition of Alice Yu (June 25, 2024) designated confidential by Tapestry.

49. Attached to this declaration and identified in the index below as Exhibit 60 is a true and correct copy of an excerpt of the transcript of the deposition of Elizabeth Harris (July 17, 2024) designated confidential by Tapestry.

50. Attached to this declaration and identified in the index below as Exhibit 61 is a true and correct copy of an excerpt of the transcript of the deposition of Sandeep Seth (July 30, 2024) designated confidential by Tapestry.

51. Attached to this declaration and identified in the index below as Exhibit 62 is a true and correct copy of an excerpt of the transcript of the deposition of Scott Roe (July 11, 2024) designated confidential by Tapestry.

52. Attached to this declaration and identified in the index below as Exhibit 63 is a true and correct copy of Press Release: Fair Disclosure Wire *Coach Inc to Acquire Kate Spade & Co M&A Call – Final* (May 8, 2017).

53. Attached to this declaration and identified in the index below as Exhibit 64 is a true and correct copy of Memorandum of Points and Authorities in Support of Motion for a Preliminary Injunction, *FTC v. Meta Platforms, Inc.*, No. 5:22-cv-04325 (N.D. Cal. Oct. 31, 2022), ECF No. 164.

54. Attached to this declaration and identified in the index below as Exhibit 65 is a true and correct copy of an excerpt of the transcript of the deposition of John Idol (July 10, 2024) designated confidential by Capri.

EXHIBIT INDEX

Ex. No.	Bates	Description	Source
1	N/A	Expert Report of Karen Giberson (August 7, 2024)	Defendants
2	N/A	Appendix C to Expert Report of Karen Giberson	Defendants
3	N/A	Initial Expert Report of Loren Smith (July 26, 2024)	Plaintiff
4	N/A	[REDACTED]	Defendants
5	N/A	[REDACTED]	Defendants
6	N/A	Deposition Transcript of [REDACTED] (July 16, 2024)	[REDACTED]
7	N/A	Deposition Transcript of [REDACTED] (July 17, 2024)	[REDACTED]
8	N/A	Deposition Transcript of [REDACTED] (July 17, 2024)	[REDACTED]
9	[REDACTED]	[REDACTED] [REDACTED]	[REDACTED]
10	N/A	Deposition Transcript of [REDACTED] (July 15, 2024)	[REDACTED]
11	N/A	Deposition Transcript of [REDACTED] (July 16, 2024)	[REDACTED]
12	N/A	Deposition Transcript of [REDACTED] (July 23, 2024)	[REDACTED]
13	N/A	Deposition Transcript of [REDACTED] (July 26, 2024)	[REDACTED]
14	[REDACTED]	[REDACTED] [REDACTED]	[REDACTED]

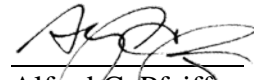
Ex. No.	Bates	Description	Source
15	N/A	Excerpt of Deposition Transcript of Andrea Bozeman (July 2, 2024)	Capri
16	N/A	Deposition Transcript of [REDACTED] (July 19, 2024)	[REDACTED]
17	N/A	Expert Report of Jeff Gennette (August 7, 2024)	Expert
18	CAPRI-LIT00113118	[REDACTED] [REDACTED]	Capri
19	CAPRI-000832773	[REDACTED] [REDACTED]	Capri
20	Tapestry-LIT-0002221627	[REDACTED] [REDACTED]	Tapestry
21	Tapestry-FTC-000889120	[REDACTED] [REDACTED]	Tapestry
22	Tapestry-FTC-000369126	[REDACTED] [REDACTED]	Tapestry
23	N/A	Expert Report of Fiona Scott Morton (August 7, 2024)	Defendants
24	Capri-006721043	[REDACTED] [REDACTED] [REDACTED] [REDACTED]	Capri
25	N/A	Laura Jackson, "These 20 Contemporary Brands are Defining the New Era of It Bags," Vogue, February 2, 2023, available at https://www.vogue.com/article/emerging-handbag-brands , accessed Aug. 3, 2024	Publicly Available
26	[REDACTED] [REDACTED] [REDACTED]	[REDACTED] [REDACTED]	[REDACTED]
27	N/A	Deposition Transcript of [REDACTED] (July 29, 2024)	[REDACTED]
28	N/A	Excerpt of Deposition Transcript of Matt Bernson (June 27, 2024)	Kate Spade

Ex. No.	Bates	Description	Source
29	CAPRI-001194518	[REDACTED] [REDACTED] [REDACTED]	Capri
30	CAPRI-003104274	[REDACTED] [REDACTED] [REDACTED]	Capri
31	N/A	Excerpt of Deposition Transcript of Philippa Newman Chapuis (July 18, 2024)	Michael Kors
32	N/A	Excerpt of Deposition Transcript of Cedric Wilmotte (July 10, 2024)	Michael Kors
33	N/A	Excerpt of Deposition Transcript of Mary Lisa Idol (July 2, 2024)	Michael Kors
34	N/A	Excerpt of Deposition Transcript of Jaryn Bloom (July 25, 2024)	Michael Kors
35	N/A	Excerpt of Deposition Transcript of Joanne Crevoiserat (July 2, 2024)	Tapestry
36	N/A	Pl.'s Mem. of P. & A. in Supp. of Pl.'s Mot. in Limine, <i>United States v. H&R Block, Inc.</i> , No. 11-cv-00948-BAH (D.D.C. Aug. 24, 2011), ECF No. 67	Publicly Available
37	N/A	Remote Oral Argument Tr. 32:13-23 (May 13, 2024)	Publicly Available
38	N/A	Deposition Transcript of [REDACTED] (July 24, 2024)	[REDACTED]
39	N/A	Deposition Transcript of [REDACTED] (July 19, 2024)	[REDACTED]
40	N/A	Excerpt of Deposition Transcript of Rae Tao (July 12, 2024)	Tapestry
41	N/A	Excerpt of Deposition Transcript of Michael Kors (June 21, 2024)	Michael Kors
42	N/A	Excerpt of Deposition Transcript of Anne Walsh (June 20, 2024)	Michael Kors
43	N/A	Deposition Transcript of [REDACTED] (July 17, 2024)	[REDACTED]

Ex. No.	Bates	Description	Source
44	[REDACTED] [REDACTED] [REDACTED]	[REDACTED] [REDACTED]	[REDACTED]
45	N/A	Deposition Transcript of [REDACTED] (August 5, 2024)	[REDACTED] [REDACTED]
46	N/A	Deposition Transcript of [REDACTED] (July 18, 2024)	[REDACTED]
47	N/A	Excerpt of Deposition Transcript of Peter Charles (July 18, 2024)	Tapestry
48	N/A	“Inditex Group Annual Report 2023,” Inditex, available at https://static.inditex.com/annual_report_2023/en/Inditex_Group_Annual_Accounts_2023.pdf , accessed Aug. 19, 2024	Publicly Available
49	Tapestry-FTC-000905567	[REDACTED] [REDACTED] [REDACTED]	Tapestry
50	Tapestry-FTC-000369716	[REDACTED] [REDACTED]	Tapestry
51	Tapestry-FTC-0059757975	[REDACTED] [REDACTED] [REDACTED]	Tapestry
52	[REDACTED] [REDACTED]	[REDACTED] [REDACTED]	[REDACTED]
53	[REDACTED]	[REDACTED] [REDACTED]	[REDACTED]
54	[REDACTED] [REDACTED]	[REDACTED] [REDACTED]	[REDACTED] [REDACTED]
55	[REDACTED]	[REDACTED]	[REDACTED]
56	N/A	Deposition Transcript of Sloan Tichner (July 22, 2024)	Steve Madden
57	N/A	Declaration of [REDACTED] (July 8, 2024)	[REDACTED]

Ex. No.	Bates	Description	Source
58	N/A	Excerpt of Deposition Transcript of Thomas Edwards (July 23, 2024)	Capri
59	N/A	Excerpt of Deposition Transcript of Alice Yu (June 25, 2024)	Tapestry
60	N/A	Excerpt of Deposition Transcript of Elizabeth Harris (July 16, 2024)	Tapestry
61	N/A	Excerpt of Deposition Transcript of Sandeep Seth (July 30, 2024)	Coach
62	N/A	Excerpt of Deposition Transcript of Scott Roe (July 11, 2024)	Tapestry
63	N/A	PX7015: Press Release: Fair Disclosure Wire <i>Coach Inc to Acquire Kate Spade & Co M&A Call – Final</i> (May 8, 2017)	Publicly Available
64	N/A	Mem. of P. & A. in Supp. of Mot. for a Prelim. Inj., <i>FTC v. Meta Platforms, Inc.</i> , No. 5:22-cv-04325 (N.D. Cal. Oct. 31, 2022), ECF No. 164	Publicly Available
65	N/A	Excerpt of Deposition Transcript of John Idol (July 10, 2024)	Capri

I declare under penalty of perjury under the laws of the United States of America that the foregoing facts are true and correct. Executed this 20th day of August, 2024 in Washington, D.C.


Alfred C. Pfeiffer